

FISCAL NOTE

HB 3088 - SB 3493

March 1, 2008

SUMMARY OF BILL: Requires an automatic direct appeal to the Tennessee Supreme Court upon conviction and death sentence in capital cases.

ESTIMATED FISCAL IMPACT:

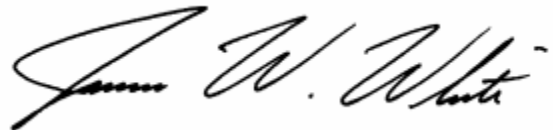
Increase State Expenditures - \$175,600

Assumptions:

- Currently, the Tennessee Court of Criminal Appeals (CCA) reads legal briefs, hears oral argument, and issues an opinion regarding the legal issues which are raised on appeal after the imposition of a death penalty. After the filing of each opinion, the Tennessee Supreme Court reviews the record, briefs and CCA opinions. The Court attaches the relevant portion of the CCA opinion as an appendix to its opinion.
- According to the Administrative Office of the Courts (AOC) every capital murder case would be appealed directly from the trial court to the Tennessee Supreme Court as a result of this bill. As of January 15, 2008, there were approximately 40 capital trials and re-sentencing trials pending in the trial courts. As the Court will not longer have the benefit of the CCA opinions, the Court will require additional personnel to review the convictions, death sentences and numerous other legal issues raised during the appeal of capital cases.
- Two full-time staff attorneys at a cost of \$175,566 include salaries of \$120,672 (\$60,336 x 2) plus benefits of \$54,894 (\$27,447 x 2).

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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